

REFERENCE TITLE: **schools; noncertificated business managers**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2523

Introduced by
Representatives Waters, Chabin, Heinz, Lujan, Meyer, Young Wright:
Ableser, Fleming, Garcia M, Miranda B, Pancrazi, Schapira

AN ACT

**AMENDING SECTIONS 15-203 AND 15-502, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL DISTRICT EMPLOYEES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to
3 read:

4 15-203. Powers and duties

5 A. The state board of education shall:

6 1. Exercise general supervision over and regulate the conduct of the
7 public school system and adopt any rules and policies it deems necessary to
8 accomplish this purpose.

9 2. Keep a record of its proceedings.

10 3. Make rules for its own government.

11 4. Determine the policy and work undertaken by it.

12 5. Appoint its employees, on the recommendation of the superintendent
13 of public instruction.

14 6. Prescribe the duties of its employees if not prescribed by statute.

15 7. Delegate to the superintendent of public instruction the execution
16 of board policies and rules.

17 8. Recommend to the legislature changes or additions to the statutes
18 pertaining to schools.

19 9. Prepare, publish and distribute reports concerning the educational
20 welfare of this state.

21 10. Prepare a budget for expenditures necessary for proper maintenance
22 of the board and accomplishment of its purposes and present the budget to the
23 legislature.

24 11. Aid in the enforcement of laws relating to schools.

25 12. Prescribe a minimum course of study in the common schools, minimum
26 competency requirements for the promotion of pupils from the third grade and
27 minimum course of study and competency requirements for the promotion of
28 pupils from the eighth grade. The state board of education shall prepare a
29 fiscal impact statement of any proposed changes to the minimum course of
30 study or competency requirements and, on completion, shall send a copy to the
31 director of the joint legislative budget committee and the executive director
32 of the school facilities board. The state board of education shall not adopt
33 any changes in the minimum course of study or competency requirements in
34 effect on July 1, 1998 that will have a fiscal impact on school capital
35 costs.

36 13. Prescribe minimum course of study and competency requirements for
37 the graduation of pupils from high school. The state board of education
38 shall prepare a fiscal impact statement of any proposed changes to the
39 minimum course of study or competency requirements and, on completion, shall
40 send a copy to the director of the joint legislative budget committee and the
41 executive director of the school facilities board. The state board of
42 education shall not adopt any changes in the minimum course of study or
43 competency requirements in effect on July 1, 1998 that will have a fiscal
44 impact on school capital costs.

1 14. Supervise and control the certification of persons engaged in
2 instructional work directly as any classroom, laboratory or other teacher or
3 indirectly as a supervisory teacher, speech therapist, principal or
4 superintendent in a school district, including school district preschool
5 programs, or any other educational institution below the community college,
6 college or university level, and prescribe rules for certification, including
7 rules for certification of teachers who have teaching experience and who are
8 trained in other states, which are not unnecessarily restrictive and are
9 substantially similar to the rules prescribed for the certification of
10 teachers trained in this state. The rules shall require applicants for all
11 certificates for common school instruction to complete a minimum of
12 forty-five classroom hours or three college level credit hours, or the
13 equivalent, of training in research based systematic phonics instruction from
14 a public or private provider. The rules shall not require a teacher to
15 obtain a master's degree or to take any additional graduate courses as a
16 condition of certification or recertification. The rules shall allow a
17 general equivalency diploma to be substituted for a high school diploma in
18 the certification of emergency substitute teachers.

19 15. Adopt a list of approved tests for determining special education
20 assistance to gifted pupils as defined in and as provided in chapter 7,
21 article 4.1 of this title. The adopted tests shall provide separate scores
22 for quantitative reasoning, verbal reasoning and nonverbal reasoning and
23 shall be capable of providing reliable and valid scores at the highest ranges
24 of the score distribution.

25 16. Adopt rules governing the methods for the administration of all
26 proficiency examinations. THE RULES SHALL NOT REQUIRE THE BUSINESS MANAGER
27 OF A SCHOOL DISTRICT TO OBTAIN CERTIFICATION FROM THE STATE BOARD OF
28 EDUCATION.

29 17. Adopt proficiency examinations for its use. The state board of
30 education shall determine the passing score for the proficiency examination.

31 18. Include within its budget the cost of contracting for the purchase,
32 distribution and scoring of the examinations as provided in paragraphs 16 and
33 17 of this subsection.

34 19. Supervise and control the qualifications of professional
35 nonteaching school personnel and prescribe standards relating to
36 qualifications.

37 20. Impose such disciplinary action, including the issuance of a letter
38 of censure, suspension, suspension with conditions or revocation of a
39 certificate, upon a finding of immoral or unprofessional conduct.

40 21. Establish an assessment, data gathering and reporting system for
41 pupil performance as prescribed in chapter 7, article 3 of this title.

42 22. Adopt a rule to promote braille literacy pursuant to section
43 15-214.

23. Adopt rules prescribing procedures for the investigation by the department of education of every written complaint alleging that a certificated person has engaged in immoral conduct.

24. For purposes of federal law, serve as the state board for vocational and technological education and meet at least four times each year solely to execute the powers and duties of the state board for vocational and technological education.

25. Develop and maintain a handbook for use in the schools of this state that provides guidance for the teaching of moral, civic and ethical education. The handbook shall promote existing curriculum frameworks and shall encourage school districts to recognize moral, civic and ethical values within instructional and programmatic educational development programs for the general purpose of instilling character and ethical principles in pupils in kindergarten programs and grades one through twelve.

26. Require pupils to recite the following passage from the declaration of independence for pupils in grades four through six at the commencement of the first class of the day in the schools, except that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . . .

27. Adopt rules that provide for teacher certification reciprocity. The rules shall provide for a one year reciprocal teaching certificate with minimum requirements including valid teacher certification from a state with substantially similar criminal history or teacher fingerprinting requirements and proof of the submission of an application for a fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.

28. Adopt rules that will be in effect until December 31, 2006 and that provide for the presentation of an honorary high school diploma to a person who has never obtained a high school diploma and who meets each of the following requirements:

- (a) Is at least sixty-five years of age.
- (b) Currently resides in this state.
- (c) Provides documented evidence from the Arizona department of veterans' services that the person enlisted in the armed forces of the United States before completing high school in a public or private school.
- (d) Was honorably discharged from service with the armed forces of the United States.

29. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within

1 the scope of the duties of the department of education and that relate to
2 quality of life, trade and economic development in this state in a manner
3 that will help the Arizona-Mexico commission to assess and enhance the
4 economic competitiveness of this state and of the Arizona-Mexico region.

5 30. Adopt rules to define and provide guidance to schools as to the
6 activities that would constitute immoral or unprofessional conduct of
7 certificated persons.

8 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
9 and twelve to volunteer for twenty hours of community service before
10 graduation from high school. A school district that complies with the
11 guidelines adopted pursuant to this paragraph is not liable for damages
12 resulting from a pupil's participation in community service unless the school
13 district is found to have demonstrated wanton or reckless disregard for the
14 safety of the pupil and other participants in community service. For the
15 purposes of this paragraph, "community service" may include service
16 learning. The guidelines shall include the following:

17 (a) A list of the general categories in which community service may be
18 performed.

19 (b) A description of the methods by which community service will be
20 monitored.

21 (c) A consideration of risk assessment for community service projects.

22 (d) Orientation and notification procedures of community service
23 opportunities for pupils entering grade nine, including the development of a
24 notification form. The notification form shall be signed by the pupil and
25 the pupil's parent or guardian, except that a pupil shall not be required to
26 participate in community service if the parent or guardian notifies the
27 principal of the pupil's school in writing that the parent or guardian does
28 not wish the pupil to participate in community service.

29 (e) Procedures for a pupil in grade nine to prepare a written proposal
30 that outlines the type of community service that the pupil would like to
31 perform and the goals that the pupil hopes to achieve as a result of
32 community service. The pupil's written proposal shall be reviewed by a
33 faculty advisor, a guidance counselor or any other school employee who is
34 designated as the community service program coordinator for that school. The
35 pupil may alter the written proposal at any time before performing community
36 service.

37 (f) Procedures for a faculty advisor, a guidance counselor or any
38 other school employee who is designated as the community service program
39 coordinator to evaluate and certify the completion of community service
40 performed by pupils.

41 32. To facilitate the transfer of military personnel and their
42 dependents to and from the public schools of this state, pursue, in
43 cooperation with the Arizona board of regents, reciprocity agreements with
44 other states concerning the transfer credits for military personnel and their

dependents. A reciprocity agreement entered into pursuant to this paragraph shall:

(a) Address procedures for each of the following:

(i) The transfer of student records.

(ii) Awarding credit for completed course work.

(iii) Permitting a student to satisfy the graduation requirements prescribed in section 15-701.01 through the successful performance on comparable exit-level assessment instruments administered in another state.

(b) Include appropriate criteria developed by the state board of education and the Arizona board of regents.

33. Adopt guidelines that school district governing boards shall use in identifying pupils who are eligible for gifted programs and in providing gifted education programs and services. The state board of education shall adopt any other guidelines and rules that it deems necessary in order to carry out the purposes of chapter 7, article 4.1 of this title.

34. For each of the alternative textbook formats of human-voiced audio, large-print and braille, designate alternative media producers to adapt existing standard print textbooks or to provide specialized textbooks, or both, for pupils with disabilities in this state. Each alternative media producer shall be capable of producing alternative textbooks in all relevant subjects in at least one of the alternative textbook formats. The board shall post the designated list of alternative media producers on its website.

35. Adopt a list of approved professional development training providers for use by school districts as provided in section 15-107, subsection J. The professional development training providers shall meet the training curriculum requirements determined by the state board of education in at least the areas of school finance, governance, employment, staffing, inventory and human resources, internal controls and procurement.

36. Adopt rules to prohibit a person who violates the notification requirements prescribed in section 15-183, subsection C, paragraph 6 or section 15-550, subsection C from certification pursuant to this title until the person is no longer charged or is acquitted of any offenses listed in section 41-1758.03, subsection B. The board shall also adopt rules to prohibit a person who violates the notification requirements, certification surrender requirements or fingerprint clearance card surrender requirements prescribed in section 15-183, subsection C, paragraph 7 or section 15-550, subsection D from certification pursuant to this title for at least ten years after the date of the violation.

B. The state board of education may:

1. Contract.

2. Sue and be sued.

3. Distribute and score the tests prescribed in chapter 7, article 3 of this title.

4. Provide for an advisory committee to conduct hearings and screenings to determine whether grounds exist to impose disciplinary action

1 against a certificated person, whether grounds exist to reinstate a revoked
2 or surrendered certificate and whether grounds exist to approve or deny an
3 initial application for certification or a request for renewal of a
4 certificate. The board may delegate its responsibility to conduct hearings
5 and screenings to its advisory committee. Hearings shall be conducted
6 pursuant to title 41, chapter 6, article 6.

7 5. Proceed with the disposal of any complaint requesting disciplinary
8 action or with any disciplinary action against a person holding a certificate
9 as prescribed in subsection A, paragraph 14 of this section after the
10 suspension or expiration of the certificate or surrender of the certificate
11 by the holder.

12 6. Assess costs and reasonable attorney fees against a person who
13 files a frivolous complaint or who files a complaint in bad faith. Costs
14 assessed pursuant to this paragraph shall not exceed the expenses incurred by
15 the state board in the investigation of the complaint.

16 Sec. 2. Section 15-502, Arizona Revised Statutes, is amended to read:

17 15-502. Employment of school district personnel; payment of
18 wages of discharged employee

19 A. The governing board ~~may~~ at any time MAY employ and fix the salaries
20 and benefits of employees necessary for the succeeding year. The contracts
21 of all certificated employees shall be in writing, and all employees shall be
22 employed subject to ~~the provisions of~~ section 38-481. The governing board
23 may obtain the services of any employee, including teachers, substitute
24 teachers and administrators, by contracting with a private entity that
25 employs personnel required by the school district.

26 B. A teacher shall not be employed if the teacher has not received a
27 certificate for teaching granted by the proper authorities. If a teacher has
28 filed an application and completed all of the requirements for a certificate
29 but time does not allow a teacher to receive a certificate before the
30 commencement of employment, the conditional certificate shall serve as a
31 certificate for the payment of wages, provided that the teacher files the
32 conditional certificate with the county school superintendent and the
33 certificate is issued within three months of the date of commencing
34 employment. In order to be paid wages beyond the three month period
35 prescribed in this subsection, the teacher shall file the certificate with
36 the county school superintendent. Any contract issued to a teacher who has
37 completed certificate requirements but has not received a certificate shall
38 be specifically contingent upon receipt of such a certificate. The governing
39 board of a school district that is subject to section 15-914.01 shall adhere
40 to the duties described in section 15-302, subsection A, paragraph 9 for
41 purposes of this subsection.

42 C. No dependent, as defined in section 43-1001, of a governing board
43 member may be employed in the school district in which the person to whom
44 such dependent is so related is a governing board member, except by consent
45 of the board.

1 D. The governing board may employ certificated teachers under contract
 2 as part-time classroom teachers. Notwithstanding any other statute, a
 3 certificated teacher who has been employed by the school district for more
 4 than the major portion of three consecutive school years does not lose the
 5 entitlement to the procedures prescribed in sections 15-538.01, 15-539
 6 through 15-544 and 15-547 if the teacher is employed under contract on a
 7 part-time basis for at least forty per cent time. ~~As used in~~ FOR THE
 8 PURPOSES OF this subsection, "forty per cent time" means employed for at
 9 least forty per cent of the school day required of full-time teachers of the
 10 same grade level or for at least forty per cent of the class load assigned to
 11 full-time teachers of the same grade level, as determined by the governing
 12 board.

13 E. THE GOVERNING BOARD MAY EMPLOY A BUSINESS MANAGER WHO HAS EXPERTISE
 14 IN FINANCE. FOR THE PURPOSES OF THIS SUBSECTION, "EXPERTISE IN FINANCE"
 15 MEANS ONE OR MORE OF THE FOLLOWING:

16 1. A BACCALAUREATE DEGREE IN ACCOUNTING, FINANCE, SCHOOL FINANCE OR
 17 PUBLIC FINANCE.

18 2. A GRADUATE DEGREE IN ACCOUNTING, FINANCE, SCHOOL FINANCE OR PUBLIC
 19 FINANCE.

20 3. OTHER TRAINING OR EXPERIENCE THAT THE GOVERNING BOARD DETERMINES IS
 21 SUFFICIENT TO QUALIFY THE PERSON TO ADMINISTER THE BUSINESS OPERATIONS OF THE
 22 SCHOOL DISTRICT.

23 ~~E.~~ F. Notwithstanding sections 23-351 and 23-353, if an employee is
 24 discharged from the service of a school district, the school district shall
 25 pay the wages due to the employee within ten calendar days from the date of
 26 discharge.

27 ~~F.~~ G. Each school district shall establish policies and procedures to
 28 provide teachers with personal liability insurance.